



(new) CASE 50183 USCNT

#6 1638#  
6/16/03 C.C.  
DD

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Laneisha C. Hayes

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Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Bird *et al.*

Appl. No. 09/966,881

Filed: September 28, 2001

## For: Genetic Control of Fruit Ripening

Art Unit: 1638

Examiner: Kallis, Russell.

Atty Docket: (old) 109846-288

(SYN-106CON)

(new) 50183 USCNT

Confirmation No. 7251

## **REPLY TO RESTRICTION/ELECTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

In response to the Office Action mailed March 25, 2003, Applicants hereby elect the invention of Group I (claims 1-11 and 13-18). Applicant also elect the DNA sequence of SEQ ID NO:13. It is however submitted that the sequences of SEQ ID NO:13-18 all relate to pectate lyases (see e.g. claims 4 and 5 of the application as filed) and should be considered as forming part of the same invention. Reinclusion of the sequences of SEQ ID NO:14-18 in the elected invention is therefore respectfully requested.

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The elections above are made with traverse. Applicants also reserve their right to Petition from the election requirement under 37 C.F.R. § 1.144.

A Petition for Extension of Time for one months to May 25, 2003 (extended until May 27, 2003 pursuant to 37 C.F.R. § 1.7(a) ) is hereby requested pursuant to 37 C.F.R. § 136(a). Accordingly, please charge Applicant's Credit Card in the amount of \$110.00 for this Petition. A Credit Card Payment Form is enclosed for fee purposes.

However, if it is deemed that any other fees are necessary to maintain pendency of this application, then the Office is hereby authorized to charge Deposit Account No. 50-1744 (in the name of Syngenta Biotechnology Inc.) for payment of such fees.

Please note that the Attorney docket no. has been changed from 109846-288 (SYN-106CON) (old) to 50183 USCNT (new).

If any additional information is needed, the Examiner is invited to call the undersigned at (919) 765-5117.

Respectfully submitted,



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Date: May 27, 2003